IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

SUIT No.2983 OF 1989.

[#]

Sharad Nandlal Gadoclia **Plaintiff.**

Vs.

The State of Maharashtra
And Anr. **Defendants.**

Mr. R. D. Dave i/b. Mr. N. N. Vaishnawa & Co. for the Plaintiff.

Mr. B. N. Shroff, A.G.P. for the State/Defendants.

CORAM: D. G. KARNIK, J.
DATED: 19th January, 2007.

P.C.:-

1. Heard the learned counsel for the parties. The suit was initially filed as a Summary Suit and conditional leave to the defendants to defend the suit was granted by a Single Judge. Appeal No. 537/90 alongwith other 37 Appeals filed by the defendants was allowed by a Division Bench of this Court which granted unconditional leave to the defendants to defend the suit and directed the defendants to file their written statement within the time specified in the original

order of the Single Judge. Despite the order of the Division Bench dated 22nd July, 1991 the defendants have not filed their written statement.

2. The suit is a simple suit for recovery of money. Considering the nature of the suit, I consider it appropriate to pass a decree under Order VIII Rule 10 of the Code of Civil Procedure. Accordingly the suit of the plaintiff is decreed as prayed in the prayer clause with the modification that the rate of interest would be 12% per annum instead of 21% as prayed.

[D. G. KARNIK, J]